

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

United States of America

v.

Criminal No. 05-cr-057-01-JD

Gordon Reid

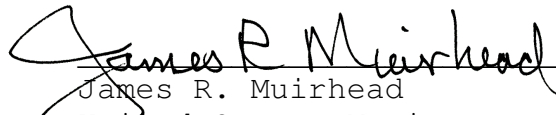
SEALED ORDER

Defendant moves for an advance of \$300.00 to pay for telephone charges he anticipates making for calls to his investigator, expert(s) and witnesses. There is a split in authority as to whether a *pro se* defendant is even entitled to reimbursement of any expenses under 18 U.S.C. § 3006A(d)(1). See United States v. Feldman, 788 F.2d 625, 626 (9th Cir. 1986) (permitting reimbursement); United States v. McElhiney, 369 F.3d 1168, 1170 (10th Cir. 2004), cert. denied, 541 U.S. 1055 (2004) and Green v. United States, 323 F.3d 1100, 1104 (8th Cir. 2003) (denying reimbursement). While to date this court has followed Feldman and allowed reimbursement payment of investigation costs, there is no authority in the CJA for advances. In fact, 31 U.S.C. § 3324(b) appears to prohibit advances of funds except in situations not applicable here.

Defendant's motion (document no. 38) is denied. Stand-by

counsel may seek reimbursement of charges.

SO ORDERED.


James R. Muirhead
United States Magistrate Judge

Date: November 10, 2005

cc: Gordon Reid, *pro se*